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REPORT
101-47

AUTHORIZING THE ALPHA PHI ALPHA FRATERNITY TO ESTABLISH A MEMORIAL TO MARTIN LUTHER KING, JR., IN THE DISTRICT OF COLUMBIA

JUNE 13 (legislative day JANUARY 3), 1989.—Ordered to be printed

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Mr. FORD, from the Committee on Rules and Administration, submitted the following

REPORT

[To accompany S. 619]

The Committee on Rules and Administration, having considered S. 619, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, reports favorably thereon and recommends that the bill do pass.

PURPOSE AND BACKGROUND OF THE BILL

S. 619 is a bill to authorize the Alpha Phi Alpha Fraternity, the oldest black fraternity in the United States, to establish, without cost to the federal government, a memorial in the District of Columbia and its environs to the late Dr. Martin Luther King, Jr.

A similar bill introduced in the 100th Congress would have created, for this memorial, an exception to Public Law 99-652 (40 U.S.C. 1001, et seq.) approved November 14, 1986, which, in order to conserve the limited space available in the District of Columbia and environs, established conditions and criteria for future memorials. That bill, S. 322, was reported favorably by the Committee on Rules and Administration with an amendment in the nature of a substitute which removed the exemptive language and made the measure fully subject to the provisions of P.L. 99-652, the Commemorative Works Act, the impact of which is that work on the memorial could not begin until 1993, twenty-five years after the death of Dr. King.

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S. 322, as amended, passed the Senate by unanimous consent during the 100th Congress, but no action was taken by the House. The present bill, S. 619, is identical to that measure.

The floor statement made by Senator Sarbanes when introducing this measure and a letter from him to the Rules Committee follow.

[From the Congressional Record, March 16, 1989]

Mr. SARBANES. Mr. President, I am again introducing legislation to authorize Alpha Phi Alpha, the oldest black fraternity in the United States, to establish a monument to Martin Luther King, Jr. on Federal land in the District of Columbia. Senators Riegle, Inouye, Mikulski, Hatch, Bradley, Dodd, Hollings, Burdick, and Lautenberg are joining with me to introduce this legislation. This bill passed the Senate by unanimous consent during the 100th Congress, but failed to see action in the House.

The Alpha Phi Alpha Fraternity, of which Dr. King was a member, having joined on June 22, 1952, at Sigma chapter in Boston, MA, will coordinate the design and funding of the monument. The bill provides that the monument be established at no cost to the United States. The Department of the Interior, in consultation with the National Capital Park and Planning Commission and the Commission on Fine Arts, shall select the site and approve the design.

Alpha Phi Alpha was founded in 1906 at Cornell University. It now has 700 chapters across the country, and counts among its 125,000 members many prominent citizens, including Supreme Court Justice Thurgood Marshall and a number of our Nation's mayors. Alpha Phi Alpha has formally endorsed the Martin Luther King, Jr. Memorial project and has committed its considerable human resources to the project's development.

Twenty-four years ago, Dr. Martin Luther King, Jr. led freedom marchers from Selma to Montgomery, AL, seeking voting rights long denied. Through the long efforts to achieve equal treatment for all Americans, Martin Luther King, Jr., remained devoted to nonviolent means of achieving his goals; and he inspired thousands to conform to the principles of nonviolence.

A memorial to Dr. King erected in the Nation's Capital will provide continuing inspiration to all who visit it, particularly to the thousands of students and young people visiting Washington, DC, every year. These young people have no personal memory of the condition of civil rights in America before Dr. King, nor of the struggle in which he was the major figure. They do understand, however, that there is still more to be done.

Coretta Scott King said:

> Young people in particular need nonviolent role models like him. In many ways, the Civil Rights movement was a youth movement. Young people of all races, many of whom were jailed, were involved in the struggle, and some gave their lives for the cause. Yet none of the youth trained by Martin and his associates retaliated in violence, including members of some of the toughest gangs of urban ghettos in cities like Chicago and Birmingham. This was a remarka-

ble achievement. It had never been done before; it has not been duplicated since.

Mr. President, what we hope is that the young people who visit the monument will come to understand that it recognizes not only the enormous contribution of this great leader, but also two very basic principles for the healthy functioning of our society. One is that change, even very fundamental change, is to be achieved through nonviolent means; that this is the path down which we should go as a nation in resolving some of our most difficult problems. And the other basic principle is that the reconciliation of the races, the inclusion into the mainstream of American life of all its people, is essential to the fundamental health of this Nation. Dr. King preached, taught, and practiced these essential principles. I urge my colleagues to support this legislation.

U.S. SENATE,
Washington, DC, May 16, 1989.

Hon. WENDELL FORD,
Chairman, Senate Committee on Rules and Administration, Russell Senate Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to urge the Senate Committee on Rules and Administration to take up S. 619, a bill to authorize the Alpha Phi Alpha fraternity to establish a memorial to Martin Luther King Jr. on Federal land in the District of Columbia. This legislation previously passed the Rules Committee and the Senate during the 100th Congress. I re-introduced this legislation on March 16, 1989.

The memorial authorized in S. 619 is simply the logical followup to actions already taken to recognize the extraordinary significance of Dr. King in our national life. A monument in the Nation's Capital, outdoors and accessible to the large number of visitors from throughout the United States and the world, is the natural complement to the national holiday commemorating Dr. King's birthday, the National Historical Site in Atlanta, and the magnificent bust in the Capitol building.

I hope it will be possible for the committee to approve S. 619, and I look forward to working with you toward this end.

With best regards,
Sincerely,

PAUL S. SARBANES,
U.S. Senator.

COMMITTEE ACTION

On June 8, 1989, the Committee on Rules and Administration held a markup session on S. 619. The National Capital Memorial Commission provided the Committee with their views on this measure. After discussion, the Committee approved the bill by voice vote and ordered it reported.

The Commission's letter is set forth below.

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, DC, June 7, 1989.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing as the result of a telephone request made by Mr. John L. Sousa, Chief Counsel of the Committee, regarding the position of the National Capital Memorial Commission on S. 619, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

At our meeting held on May 2, 1989, the National Capital Memorial Commission reviewed S. 619. The Commission is guided by the Commemorative Works Act (P.L. 99–652) and its legislative intent, which is to ensure that careful deliberation be given to each proposed memorial in the context of the proliferation of proposals and the extremely limited number of sites available for this purpose in the Nation's Capital.

In the Commission's deliberation on this proposal, it was recommended that Congress defer action until twenty-five years have elapsed from the time of Dr. King's death, which in this case is 1993, in order to be consistent with the Commemorative Works Act they passed in 1986. In that act, Section 6(b)(2) states that a commemorative work commemorating an individual shall not be permitted until at least twenty-five years after the death of the individual.

The Commission is very concerned over the large number of new memorials currently proposed. In addition to the ten memorials already authorized by Congress but not yet constructed, there have been at least 16 bills already introduced into the 101st Congress for new memorial proposals, with another 40 we are aware of that have been proposed. In order for many of these to be approved, proponents will have to request that exceptions be made to the Commemorative Works Act. If the Congress establishes precedent that sets aside specific provisions of this Act it would, in our estimation, significantly weaken the Act, and not be in the best interest of the remaining limited lands available for commemorative works in our Nation's Capital. It was partly in view of the rapidly diminishing available sites in the Capital that are suitable for the erection of a memorial that Congress enacted this legislation that makes it difficult to secure the erection of new memorials.

I feel that it is important for me to point out that the Commission has previously reviewed similar, earlier proposals of legislation to honor Dr. King with a memorial, and other than for the concern over the precedent of not adhering to the 25-year time period, enthusiastically endorses the intent of this legislation to honor this individual who has had such a profound impact on bringing about non-violence social change in this country.

We appreciate the opportunity to provide you with our views on this issue, and look forward to working with you and your staff in

the future. If there are any questions regarding this or other memorials, please call me at 426–7750.

Sincerely,

JOHN G. PARSONS,
Chairman, National Capital Memorial Commission.

COST ESTIMATE

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee does not consider that enactment of S. 619 would entail any cost to the federal government.

REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee does not consider that enactment of S. 619 would have any regulatory impact.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee considers that the bill proposes no changes in existing law.

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